IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 16009 of 2005

Between:

Bodapalli Venkateswarlu, S/o. Obaiah,
R/o. Sudanagunta Village, Podili Mandal, Prakasam District.

..... PETITIONER

AND

1 The District Collector, Prakasam District.
2 The Revenue Divisional Officer, Kandukur Prakasam, Prakasam District.
3 The Mandal Revenue Officer, Podili, Podili Mandal, Prakasam District.
4 The Joint Collector, Prakasam, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in proceedings with the bifurcation of fair price shop in Sudanagunta village, Podili Mandal, Prakasam District by virtue of proceedings in RC/A/624/93, dt. 15.2.2005 addressed by the 3rd respondent to the 2nd respondent and recommended by the 2nd respondent in proceedings in RCF/201/05 dt. 2.3.2005 for creation of new fair price shop at Thummagunta village by bifurcating the existing fair price shop at Sudanagunta village and confirmed by the order of the 1st respondent in proceedings in RCCS2/1322/2005 dt. 12.7.2005 directing the 2nd respondent to take immediate action to open a new fair price shop in Thummagunta Village of Podili Mandal by

filing up the same on regular basis are arbitrary, illegal, improper, void, vitiated, unjust, contrary to the statutory guidelines issued in Govt Memo No.148/CSI/9B-1, Dt. 22.1.1999 and violative of article 14 and 19 (1) (g) of Article 14 and 19 (1) (g) of the Constitution of India and in violation of principles of natural justice.

Counsel for the Petitioner: MR.RAJANIKANTH JWALA

Counsel for the Respondent Nos. 1 to 4: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

Oral order:-

The petitioner's grievance is against the orders dated 12-07-2005 of the 1st respondent approving and permitting the opening of a new fair price shop in Thummagunta village, Podili mandal, Prakasam district bifurcating the existing fair price shop of Sundanagunta village, Podili mandal, Prakasham district. The 3rd respondent – The Mandal Revenue Officer, Podili – submitted proposals on 15-02-2005 for creation of a new fair price shop in Thummagunta village by bifurcating the existing shop of Sundanagunta village, on the ground that the villagers of Thummagunta, who were getting essential commodities from the Sundanagunta shop, had expressed difficulties on account of the distance from their places of residence to the existing shop and requested allocation of a new shop for Thummagunta village. The Revenue Divisional Officer concerned had also recommended the proposals of the Mandal Revenue Officer for creation of a new shop at Thummagunta village on bifurcation of the existing fair price shop at Sundanagunta. On a consideration of the report of the Mandal Revenue Officer and recommendations of the Revenue Divisional Officer, the 1st respondent permitted bifurcation of fair price shop and creation of a new shop in Thummagunta village and directed the Revenue Divisional Officer to take steps to open a new fair price shop by filling up the same on a regular basis as specified in the order.

The petitioner challenges the 1st respondent's order on the ground that as a result of the bifurcation the number of cards allotted to him in the unified shop, would fall to unviable levels and that the bifurcation is contrary to the guidelines issued by the government on the issue. He also alleges that the distance between Thummagunta and Sundanagunta villages is not such, as would justify the creation of a new fair price shop separately for Thummagunta village and that the existing shop in Sundanagunta village, which he is running, adequately caters to the needs of both the villages.

Another ground urged is that the bifurcation has been done by the impugned order without notice or opportunity to the petitioner and that as a consequence of the impugned order; he suffers an adverse economic impact by way of loss of the commission he gets. None of the above grounds merit acceptance.

Administrative guidelines issued by the State Government as to the viability standards for fair price shops are not instruments, which have an enforceable

character and could be implemented by this court by issuing a Mandamus. The guidelines are meant for internal guidance of the officers and spell out a spectrum of discretion to be exercised in appropriate administrative circumstances. Insofar as the petitioner's assertion that the fair price shop in Sundanagunta village, which he is running is adequate to cater to the needs of the village of Thummagunta is concerned, that is an assertion that does not have a legal disposition warranting adjudication by this court. Whether there should be one shop common for Thummagunta and Sundanagunta villages or each of the villages should have separate fair prices shops are matters of administrative detail not amenable to judicial review. If the State in the plenitude of its executive discretion decides that each village or each ward in a village should have a separate fair price shop to better cater to the needs of its citizens, so be it. It is not a matter for judicial review. The wisdom of the executive process is not a subject to judicial review, unless the exercise of executive discretion falls foul of any law Constitutional or Statutory. Such is not the claim and not the demonstration in this case. Insofar as the surviving claim of the petitioner viz., that he suffers adverse economic impact and that no such order of bifurcation could be passed without notice or opportunity, it must be stated that it is a well settled principle of law that 'law does not deal with trifles' – *Lex Non Curat De Minimis*. The petitioner is an authorisee. He pays no license fee to the State for the grant of authorization. He gets commission on the commodities. The commission depends upon the amount of stock that is lifted by the villagers, which again is dependent on their current economic circumstances or their monthly requirement. The very existence of the petitioner and his authorization is the product of a State policy regarding distribution of essential commodities for the villagers and for their convenience. The petitioner cannot elevate such position of his to the status of a major legitimate expectation, which could not be impaired even marginally without an elaborate process of notice, opportunity, hearing and decision. In the considered view of this court, this contention does not merit acceptance and is accordingly rejected.

On the analysis above, there are no merits. The writ petition is, accordingly, dismissed. No costs.

GODA RAGHURAM, J

Dt. 22-07-2005

Pvks/*

Nb:- Furnish c.c. in four days.

B/o pvks/*

To

1 The District Collector, Prakasam District.
2 The Revenue Divisional Officer, Kandukur Prakasam, Prakasam District.
3 The Mandal Revenue Officer, Podili, Podili Mandal, Prakasam District.
4 The Joint Collector, Prakasam, Prakasam District.

5 2 CCs., to the learned Government Pleader for Civil Supplies, A.P. High Court Buildings, Hyderabad (OUT).

6 2 CD copies

*Form-NIC-OGS/WP{**JGK**}*